IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Bail Appl..No. 4145 of 2007()

CRIME NO.241/07 OF WADAKKANCHERRY POLICE STATION
CRLMC.1885/2007 of DISTRICT COURT, THRISSUR

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PETITIONERS/ACCUSED
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1. SURA @ SURESH, S/O RADHAKRISHNAN,
   KALLUMKUNNATH HOUSE, PANANGATTUKARA,
   KALLAMPARA.

2. KANNAN @ BINU, S/O PUSHPALARAN,
   MOSHIKULANGARA HOUSE, PARLIKKAD P.O.,
   WADAKKANCHERRY.

3. JINTO @ JINTAPPAN, S/O ISSAC,
   NIRAPPINPURATH HOUSE, PANANGATTUKARA,
   KALLAMPARA.

BY ADV. SRI.RAJIT

RESPONDENTS:

STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4145 of 2007

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Dated this the 12th day of July, 2007

O R D E R

Application for regular bail. The petitioners are accused 1, 3 and 4. Altogether there are four accused persons. The petitioners are involved in some earlier crimes admittedly. They have been enlarged on bail in such crimes. The alleged incident took place on 10.6.2007. When the defacto complainant made an imputation against the first accused that he was indulged in trade in the contraband liquor, the accused persons are alleged to have assaulted the defacto complainant causing injuries, including a grievous injury to him. The petitioners were arrested on 18.6.2007 According to the Prosecutor, the order of the learned Sessions Judge shows that the arrest was on 12.6.2007. Investigation is in progress. The second accused has not been arrested yet.

2. The learned counsel for the petitioners prays that the petitioners may now be enlarged on bail. The allegation under Section 308 I.P.C. has been included with oblique motive and with the sole intention of ensuring that the petitioners do not get bail

expeditiously. The petitioners are at any rate admittedly continuing in custody from 18.6.2007. Their further detention is unnecessary. They may be enlarged on bail now, prays the learned counsel.

3. The learned Prosecutor opposes the application. The allegation is serious. Injury suffered is grievous. Investigation is not complete. One of the accused has not been arrested. The petitioners are involved in many other crimes. Action under Section 107 Cr.P.C. is being taken against the petitioners. In these circumstances the petitioners may not be enlarged on bail, submits the Prosecutor.

4. Having considered all the relevant inputs, I am satisfied that the petitioners can be enlarged on bail, subject to appropriate conditions. The Investigator can be given some further time to complete the investigation.

5. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioners shall not be released from custody on the strength of this order prior to 21.7.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

(b) The petitioners shall execute bonds for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) They shall make themselves available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(d) The petitioners shall not leave the Sessions Division of Trichur for a period of one month from the date of their release except for the purpose of complying with condition © above.

(R. BASANT)
Judge

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